Supreme Court, U. S.
FILED
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APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-251

Garland M. Fitzpatrick, et al.,
Donald Matthews, et al., *Plaintiffs Petitioners*

v.

Frederick Bitzer, Chairman, et al., *Respondents*

No. 75-283

Frederick Bitzer, et al., *Petitioners*

v.

Donald Matthews, et al., *Respondents*

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Petition for Certiorari in No. 75-251 filed August 16, 1975
Petition for Certiorari in No. 75-283 filed August 25, 1975
Certiorari Granted in both Cases on December 15, 1975

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NOTE: The Memorandum of Decision of the United States District Court for Connecticut and the Opinion of the Court of Appeals for the Second Circuit are both printed in the Appendix of the Petition for Writ of Certiorari in No. 75-283, starting at pages 2a and 26a respectively.

1.

Garland M. Fitzpatrick, et al. v. J. Frederick Bitzer, et al.

December 11, 1972 Complaint filed at Hartford.**

December 26, 1972 Hearing on Application to Convene a Three-Judge Court. Order endorsed as follows: "The plaintiffs' application for a Three Judge Court, is granted, absent objection; so ordered." Clarie, J.

January 10, 1973 Answer, filed by defendants.

January 17, 1973 Designation of Judges, entered.

April 10, 1973 Interrogatories to Defendants, filed by plaintiffs.

May 29, 1973 Re: Hearing on the Merits — "Over to Sept. per T.E.C. (may become moot)"

August 14, 1973 Defendants' Answers to Interrogatories, filed.

September 27, 1973 Motion for Permission to Amend Complaint and Notice of Motion, filed by plaintiffs.

October 15, 1973 Plaintiffs' Motion for Permission to Amend Complaint, endorsed as follows: "Motion to amend granted absent objection; so ordered." Clarie, J.

November 16, 1973 Pre-Trial Order, entered. Defendants' counsel agreed to file within ten (10) days an answer to the plaintiffs' amended complaint; and to prepare a stipulation of facts on or before November 26, 1973; and to prepare a stipulation, as to alternative remedies, which the Court might consider, if the Court were to grant the plaintiffs' claims; and to file with the Court and with adversary counsel a memorandum of law, on or before Dec. 7, 1973. Clarie, J.

November 30, 1973 Stipulation of Facts, filed. Copies to 3 Judges.

December 14, 1973 Answer to Amended Complaint, filed. Copies to 3 Judges.

February 6, 1974 Supplemental Stipulation of Facts, filed. Copies to 3 Judges.

March 18, 1974 3-Judge Hearing. Letter 3/14/74 from Fitzpatrick filed. Requests withdrawal as a plaintiff. Court approves withdrawal as a named plaintiff from case, but not from class.*** Court concludes matter is statutory and therefore will issue order remanding case to single District Court Judge for disposition. Anderson, C.J.; Blumenfeld, D.J.; Clarie, D.J.

March 29, 1974 Order endorsed on Amendment to Complaint, as follows: "Permission to file granted ex parte". So ordered. Clarie, J.

March 29, 1974 Amendment to Complaint with consent of Defendants endorsed thereon filed.

April 11, 1974 Answer to Amended Complaint, filed.

April 17, 1974 Placed on trial list.

June 10, 1974 Memorandum of Decision, entered. The statutory claim for determination remanded to the single judge who convened the three-judge court. Anderson, C.J.; Blumenfeld, D.J.; Clarie, D.J.

June 21, 1974 Hearing on Civil Rights Action. Petitioner's Exhibits A and B filed. 1 Defendant's witness sworn and testified. Memorandum on background of Retirement fund filed by Atty Giber. Decision reserved. Supplemental Brief to be filed by Atty Orth on July 15; Attorney General to reply on July 22. All exhibits with Court. Court adjourned at 11:13 A.M. Clarie, J.

July 12, 1974 Supplemental Brief, filed by plaintiffs.

September 16, 1974 Memorandum of Decision, entered.**

The parties shall settle an appropriate order within ten (10) days. SO ORDERED. Clarie, J.

September 30, 1974 Letter requesting an extension of time to October 7, 1974 to settle on an appropriate order, filed by plaintiff. Order entered thereon approving same.

October 17, 1974 Order endorsed on Attorney Sidney Giber's letter request for extension of time, until October 21, 1974, for submission of proposed order, granting same.

October 31, 1974 Judgment entered. Clarie, J.

November 25, 1974 Notice of Appeal, filed by plaintiffs Donald Mathews and Mortimer Covert. Copies mailed to all counsel and to Clerk USCA with copy of Docket Entries.

November 25, 1974 Bond for Costs, filed.

December 11, 1974 Scheduling Order #1, filed.

2.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GARLAND M. FITZPATRICK, SAUL STEIN, WILLIAM SLOCUM, THOMAS H. ELLIOT, DONALD MATHEWS AND MORTIMER COVERT	
vs	Civil No. 15,492
J. FREDERICK BITZER, Chairman of the State Employees' Retirement Commission, ROBERT I. BERDON, Treasurer of the State of Connecticut, & NATHAN G. AGOSTINELLI, Comptroller of the State of Connecticut	

JUDGMENT

This action came on for hearing before the court, Honorable T. Emmet Clarie, Chief Judge, presiding, and the issues having been duly heard and findings of fact and conclusions of law having been filed and decision duly rendered.

It is Ordered and Adjudged that the defendant state officials and their successors are permanently enjoined from paying out monies from the State Employees Retirement Fund or state monies in respect to said fund, which discriminates against men on the basis of sex; that they are to administer the State Employees Retirement Act, so that men will be eligible to retire at age 50 and receive the same treatment as similarly situated women in all respects.

Without limiting the applicability or generality of the

foregoing, the following is ordered as of September 16, 1974:

(a) Each member who has completed twenty-five or more years of state service shall be retired, on his own application, or on the application of the executive head of the agency employing him, on the first day of the subsequent month named in the application on or after the member's fiftieth birthday;

(b) each member who has completed less than twenty-five years of state service shall be retired, on his own application on the first day of the month following his application, (1) if he has completed five years of state service and reached his sixty-fifth birthday, (2) or if he has completed ten years of state service and reached his fifty-fifth birthday, subject to adjustment in accordance with the rates of benefit table hereinafter referred to;

(c) each member referred to in a. and b. above shall receive a monthly retirement income beginning on his retirement date equal to one-twelfth of (A) plus (B): (A) The number of years of his state service, taken to completed months, multiplied by the applicable percentage of his Social Security earnings determined from the rates of benefit table hereinafter referred to for the appropriate age and years of state service; (B) The number of years multiplied by the applicable percentage of his excess earnings determined from such table for such age and years of service.

RATES OF BENEFIT TABLE

Age of Member on Retirement Date	Years of State Service	Percentage of Social Security Earnings	Excess Earnings
65 and over	5 and over*	1.25%	2.50%
60 to 65	10	1.00	2.00
59	10	.94	1.88
58	10	.88	1.76
57	10	.82	1.64
56	10	.76	1.52
55	10	.70	1.40
54	10	.65	1.30
53	10	.60	1.20
52	10	.56	1.12
51	10	.53	1.06
50	10	.50	1.00

* Not more than 20 years may be counted for this age and percentage group.

(d) A member whose state service is terminated because of economy, lack of work or abolition of his position, or who, being an army or air national guard technician in the military department, is dismissed by reason of separation from the national guard because of age, after he has completed twenty-five years of state service but before he has reached his fiftieth birthday shall be entitled to a retirement income. The amount of each monthly payment shall be determined from subsection (c) of Section 5-162, if the member elects the first day of the month on or after such birthday as his retirement date; and shall be the actuarial equivalent of such amount, as determined by the retirement commission, if the member elects the first day of the month on or after his termination date as his retirement date.

(e) A member who leaves state service before he is eligible for retirement but after completing at least ten years

of state service, of which at least five years shall have immediately preceded the date of his leaving state service, shall continue to be a member, and shall be eligible for a retirement income as provided in section 5-162, but on a reduced actuarial basis, as determined by the retirement commission, upon reaching his fiftieth birthday.

(f) The retirement allowances for male members on the retirement payroll as of September 16, 1974 and the supplementary payroll of October 9, 1974 (first pay for those approved as of September 1, 1974 and for prior approvals) shall be adjusted to the table below for the following categories:

1. Male voluntary retirees with less than 25 years service, retired prior to age 70.
2. Retirees under Section 5-163(c) Special Early Retirement.
3. Spouses of deceased male retirees in above categories where the spouse is receiving retirement allowances.
4. State police, correctional department guards and instructors with less than 25 years service, not receiving the benefits of section 5-173.

The adjustment for the current retirees is to include all cost of living adjustments allowed to place the male retirees on the same level of retirement allowances as for women in accordance with the schedule of early retirement contained in:

"Rates of Benefit (%) for Each Year of Service" as outlined in actuarial table below:

Years of Service	Age of Employee 50*	51*	52*	53*	54*	55*
5 to 9	0	0	0	0	0	0
10	1.00	1.06	1.12	1.20	1.30	1.40
11	1.07	1.12	1.18	1.25	1.35	1.44
12	1.13	1.18	1.24	1.31	1.39	1.48
13	1.20	1.25	1.29	1.36	1.44	1.52
14	1.26	1.31	1.35	1.41	1.48	1.56
15	1.33	1.37	1.41	1.47	1.53	1.60
16	1.40	1.43	1.47	1.52	1.58	1.64
17	1.46	1.49	1.53	1.57	1.62	1.68
18	1.53	1.56	1.58	1.62	1.67	1.72
19	1.59	1.62	1.64	1.68	1.71	1.76
20	1.66	1.68	1.70	1.73	1.76	1.80
21	1.73	1.74	1.76	1.78	1.81	1.84
22	1.79	1.80	1.82	1.84	1.85	1.88
23	1.86	1.87	1.87	1.89	1.90	1.92
24	1.93	1.93	1.93	1.94	1.94	1.96
25 or over	2.00	2.00	2.00	2.00	2.00	2.00

Years of Service	Age of Employee 56	57	58	59	60-64	65 & over
5 to 9	0	0	0	0	0	2.50
10	1.52	1.64	1.76	1.88	2.00	2.50
11	1.55	1.66	1.78	1.89	2.00	2.50
12	1.58	1.69	1.79	1.90	2.00	2.50
13	1.62	1.71	1.81	1.90	2.00	2.50
14	1.65	1.74	1.82	1.91	2.00	2.50
15	1.68	1.76	1.84	1.92	2.00	2.50
16	1.71	1.78	1.86	1.93	2.00	2.50
17	1.74	1.81	1.87	1.94	2.00	2.50
18	1.78	1.83	1.89	1.94	2.00	2.50
19	1.81	1.86	1.90	1.95	2.00	2.50
20	1.84	1.88	1.92	1.96	2.00	2.50
21	1.87	1.90	1.94	1.97	2.00	**
22	1.90	1.93	1.95	1.98	2.00	**
23	1.94	1.95	1.97	1.98	2.00	**
24	1.97	1.98	1.98	1.99	2.00	**
25 or over	2.00	2.00	2.00	2.00	2.00	2.00

* There must be at least 10 years actual full-time state service.

** Use 2.50% for 20 years.

The defendants and their successors shall recalculate, as of September 16, 1974, in accordance with the foregoing, the payments and benefits due each retired male member of the retirement system and make such payments as soon as is reasonable and feasible.

Nothing herein shall be construed to interfere with the State Legislature performing its constitutional functions of freely determining public policy, as it pertains to deciding upon a uniform retirement age for all men and women employees of the State of Connecticut in the future, provided the same is carried out without discrimination as to age or benefits on the basis of sex.

Dated at Hartford, Connecticut this 31st day of October, 1974.

3.

CONNECTICUT CONSTITUTION

Article I, Section 20

No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex.

CONNECTICUT GENERAL STATUTES

§4-61c. Guarantee of equal employment practices by state agencies

(a) State officials and supervisory personnel shall recruit, appoint, assign, train, evaluate and promote state personnel on the basis of merit and qualifications, without regard for race, color, religious creed, sex, age, national origin, ancestry or physical disability, including but not limited to, blindness unless it is shown by such state officials or supervisory personnel that such disability prevents performance of the work involved.

(b) All state agencies shall promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state government. They shall regularly review their personnel practices to assure compliance. They shall conduct continuing orientation and training programs with emphasis on human relations and fair employment practices. The state personnel commissioner shall insure that the entire examination process, including qualifications appraisal, is free from bias.

(c) Appointing authorities shall exercise care to insure utilization of minority group persons.

§4-61d. Activities of state agencies to be performed without discrimination. State contracts

(a) All services of every state agency shall be performed without discrimination based upon race, color, religious creed, sex, age, national origin, ancestry or physical disability, including, but not limited to, blindness. No state facility shall be used in the furtherance of any discriminatory practice, nor shall any state agency become a party to any agreement, arrangement or plan which has the effect of sanctioning discriminatory practices. Each state agency shall analyze all of its operations to ascertain possible instances of noncompliance with the policy of sections 4-61c to 4-61l, inclusive, and shall initiate comprehensive programs to remedy any defect found to exist.

(b) Every state contract or subcontract for construction on public buildings or for other public work or for goods and services shall conform to the intent of section 4-114a of the general statutes.

§4-61e. Discrimination in job placement by state agencies prohibited

(a) All state agencies, including educational

institutions, which provide employment referrals or placement services to public or private employers, shall accept job orders on a fair practice basis. Any job request indicating an intention to exclude any person because of race, color, religious creed, sex, age, national origin, ancestry, or physical disability, including, but not limited to, blindness shall be rejected, unless it is shown by such public or private employers that such disability prevents performance of the work involved.

(b) All state agencies shall cooperate in programs developed by the commission on human rights and opportunities initiated for the purpose of broadening the base for job recruitment and shall further cooperate with all employers and unions providing such programs.

(c) The department of labor shall encourage and enforce employers and labor unions, to comply with the policy of sections 4-61c to 4-61l, inclusive, and promote equal employment opportunities.

§ 4-61f. Discrimination in state licensing and charter procedures prohibited

No state department, board or agency shall grant, deny or revoke the license or charter of any person on the grounds of race, color, religious creed, sex, age, national origin, ancestry, or physical disability including, but not limited to, blindness, unless it is shown by such state department, board or agency that such disability prevents performance of the work involved. Each state agency shall take such appropriate action in the exercise of its licensing or regulatory power as will assure equal treatment of all persons and eliminate discrimination and enforce compliance with the policy of sections 4-61c to 4-61l, inclusive.

§ 4-61g. State agencies not to permit violation of public accommodations act

No state department, board or agency shall permit any

violation of the public accommodations act.

§ 4-61h. Educational and vocational programs to be conducted without discrimination

All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religious creed, sex, age, national origin, ancestry, or physical disability, including, but not limited to, blindness. Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, economically disadvantaged, or physically disabled, including, but not limited to, blind persons. Expansion of training opportunities under these programs shall be encouraged to provide involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

§ 4-61i. Discrimination prohibited in allocation of state benefits

Race, color, religious creed, sex, age, national origin, ancestry, or physical disability, including, but not limited to, blindness shall not be considered as limiting factors in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law; nor shall state agencies provide grants, loans or other financial assistance to public agencies, private institutions or organizations which engage in discriminatory practices.

§ 4-61j. Cooperation with commission on human rights and opportunities by state agencies

All state agencies shall cooperate with the commission on human rights and opportunities in their enforcement and educational programs. They shall comply with the

commission's request for information concerning practices inconsistent with the state policy against discrimination and shall consider its recommendations for effectuating and implementing that policy. The commission on human rights and opportunities shall continue to augment its enforcement and education programs which seek to eliminate all discrimination.

§31-122. Definitions

When used in this chapter,

(b) "person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and the state and all political subdivisions and agencies thereof;

(f) "employer" includes the state and all political subdivisions thereof and means any person or employer with three or more persons in his employ.

§31-126. Unfair employment practices

It shall be an unfair employment practice

(a) for an employer, by himself or his agent, except in the case of a bona fide occupational qualification or need, because of the race, color, religious creed, age, sex, national origin, ancestry, or physical disability, including, but not limited to, blindness of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against him in compensation or in terms, conditions or privileges of employment;

(b) for any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual because of his race, color, religious creed, age, sex, national origin, ancestry, or physical disability, including, but not limited to, blindness;

(c) for a labor organization, because of the race, color, religious creed, age, sex, national origin, ancestry, or physical disability, including, but not limited to, blindness of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification;

(d) for any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any unfair employment practice or because he has filed a complaint or testified or assisted in any proceeding under section 31-127;

(e) for any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts herein declared to be unfair employment practices or to attempt to do so;

(f) for any employer, employment agency, labor organization or person, except in the case of a bona fide occupational qualification or need, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of their race, color, religious creed, age, sex, national origin, ancestry, or physical disability, including, but not limited to, blindness.

(g) for an employer, by himself or his agent,

(i) to terminate a woman's employment because of her pregnancy or

(ii) to refuse to grant to said employee a reasonable leave of absence for disability resulting from such pregnancy or

(iii) to deny to said employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by said employer. Upon signifying her intent to return, such employee shall be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

The provisions of this section as to age shall not apply to

(1) termination of employment where the employee is thereupon entitled to benefits under the terms or conditions of any bona fide retirement or pension plan or collective bargaining agreement between the employer and a bona fide labor organization,

(2) operation of the terms or conditions of any bona fide retirement or pension plan,

(3) operation of the terms or conditions of any bona fide group or employee insurance plan or

(4) operation of any bona fide apprenticeship system or plan.

§31-127. Procedure

Any person claiming to be aggrieved by an alleged unfair employment practice may, by himself or his attorney, make, sign and file with the commission a complaint in writing under oath, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unfair employment practice, and which shall set forth the particulars thereof and contain such other information as may be required by

the commission. The commission, whenever it has reason to believe that any person has been engaged or is engaged in an unfair employment practice, may issue a complaint. Any employer whose employees, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a written complaint under oath asking for assistance by conciliation or other remedial action. After the filing of any complaint, the chairman of the commission shall refer the same to a commissioner or investigator to make prompt preliminary investigation of such complaint and, if such commissioner or investigator determines after such preliminary investigation that there is reasonable cause for believing that an unfair employment practice has been or is being committed as alleged in such complaint he shall immediately endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion. In the conduct of such investigation the commission may issue subpoenas requiring the production of employment records relating to the complaint under investigation. No commissioner or investigator shall disclose what has occurred in the course of such endeavors, provided the commission may publish the facts in the case and any complaint which has been dismissed and the terms of conciliation when a complaint has been adjusted. In case of failure to eliminate such practice, the investigator or investigating commissioner shall certify the complaint and the results of his investigation to the chairman of the commission and to the attorney general. The chairman of the commission shall thereupon appoint a hearing tribunal of one member of the commission or one hearing examiner to hear such complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as the respondent, to answer the charges of such complaint at a hearing before such tribunal, at a time and place to be specified in such notice. The place of any such hearing may

be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by the attorney general, who shall be counsel for the commission, or the counsel appointed under the provisions of section 31-125a, as the case may be; and no commissioner who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the tribunal in such case. Any endeavors or negotiations for conciliation shall not be received in evidence. The respondent may file a written answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The tribunal conducting any hearing may permit reasonable amendment to any complaint or answer and the testimony taken at such hearing shall be under oath and be transcribed at the request of any party. If, upon all the evidence, the tribunal finds that a respondent has engaged in any unfair employment practice, it shall state its findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair employment practice and further requiring such respondent to take such affirmative action, including, but not limited to, hiring or reinstatement of employees, with or without back pay, or restoration to membership in any respondent labor organization, as in the judgment of the tribunal will effectuate the purpose of this chapter. If, upon all the evidence, the tribunal finds that the respondent has not engaged in any alleged unfair employment practice, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure. Any complaint filed pursuant to this section must be so filed within ninety days after the alleged act of discrimination.

§53-35. Discrimination in public accommodations, rental housing and commercial property, sale of building lots, mobile home parks

(a) All persons within the jurisdiction of this state shall be entitled to full and equal accommodations in every place of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons; and any denial of such accommodation by reason of race, creed, color, national origin, ancestry, or sex, or physical disability, including, but not limited to, blindness of the applicant therefor shall be a violation of the provisions of this section. Any discrimination, segregation or separation, on account of race, creed, color, national origin, ancestry or sex or physical disability, including, but not limited to, blindness shall be a violation of this section. A place of public accommodation, resort or amusement within the meaning of this section means any establishment, which caters or offers its services or facilities or goods to the general public including, but not limited to, public housing projects and all other forms of publicly assisted housing, and further including any housing accommodation, commercial property or building lot, on which it is intended that a housing accommodation or commercial building will be constructed, offered for sale or rent, and mobile home parks as defined in section 1 of number 186 of the public acts of 1972, provided the provisions of this section shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations, or (2) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation, or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation. The provisions of this section, with respect to the prohibition of sex discrimination, shall not apply to the rental of sleeping

accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex.

(b) Nothing in this section shall require any person to modify his property in any way or provide a higher degree of care for a physically disabled person, including, but not limited to blind persons, than for a person not physically disabled.

(c) Any blind person shall be entitled to full and equal access to all places of public accommodation, resort or amusement as defined by this section, accompanied by his guide dog, and he may keep such dog with him at all times in such place of public accommodation, resort or amusement at no extra charge: provided, such dog shall be in the direct custody of such blind person and shall be wearing a harness. Such blind person shall be liable for any damage done to the premises or facilities by such dog.

(d) Any person who violates any provision of this section shall be fined not less than twenty-five nor more than one-hundred dollars or imprisoned not more than thirty days or both.

(e) This section shall not apply to proceedings pending before the civil rights commission or in any court on October 1, 1963.

§ 53-35a. Discrimination in associations of professional or other licensed persons

Any association, board or other organization the principal purpose of which is the furtherance of the professional or occupational interests of its members, whose profession, trade or occupation requires a state license, which refuses to accept a person as a member of such association, board or organization because of his race, national origin, creed, sex or color shall be fined not less

than one hundred dollars nor more than five hundred dollars.

4.

§ 5-156. Retirement fund

All member contributions and state appropriations shall be held in a separate retirement fund by the treasurer, who may invest and reinvest as much of the fund as is not required for current disbursements in accordance with the law governing the investment of trust funds as defined in section 45-88.

§ 5-156a. Funding of retirement system on actuarial reserve basis

(a) The state employees' retirement system shall be funded on an actuarial reserve basis. The retirement commission shall, on or before March first, annually certify to the general assembly the amount necessary on the basis of an actuarial determination to gradually establish and subsequently maintain the retirement fund on such determined actuarial reserve basis, and make such other recommendations with regard to such fund and its administration as the commission deems appropriate. The retirement commission shall, at least once every three years, prepare a valuation of the assets and liabilities of the system. On the basis of each such valuation, it shall redetermine the normal rate of contribution and, until it is amortized, the unfunded past service liability. The general assembly shall review the commission's recommendations and certification and shall appropriate to the retirement fund the amount certified by the retirement commission as necessary provided said certification is in compliance with this section.

(b) The retirement commission shall determine on an actuarial basis (1) a normal rate of contribution which the state shall be required to make into the retirement fund in order to meet the actuarial cost of current service and (2) the unfunded past service liability. For the first fifteen

years, the funding program for the actuarial reserve basis shall consist of the following percentages of the sum of normal cost and the amount required for a forty-year amortization of unfunded liabilities:

Fiscal Year		Percentage to be paid of normal cost plus full 40-year amortization from the beginning of such fiscal year
Beginning	7-1-71	30%
"	7-1-72	35%
"	7-1-73	40%
"	7-1-74	45%
"	7-1-75	50%
"	7-1-76	55%
"	7-1-77	60%
"	7-1-78	65%
"	7-1-79	70%
"	7-1-80	75%
"	7-1-81	80%
"	7-1-82	85%
"	7-1-83	90%
"	7-1-84	95%
"	7-1-85	100%

provided the state payments shall not be less than seventy-five per cent of the total retirement income payments for each fiscal year commencing July 1, 1973; and for each of the fiscal years ending June 30, 1972, and June 30, 1973, respectively, shall be seventy per cent of the total retirement income payments.

(c) Transfer of appropriated amounts from the general fund and the applicable special funds to the retirement fund shall be made in equal monthly payments during the fiscal year.

(d) No act liberalizing the benefits of the plan shall be

enacted by the general assembly until the assembly has requested and received from the retirement commission a certification of the cost of such change under the actuarial funding basis adopted by section 5-154 and this section using full normal cost plus forty-year amortization.